

Remarks/Arguments:

A new Abstract is enclosed to remove the word "comprising" as instructed by the Office Action.

Independent claim 1 is amended to clarify that which the applicants regard as their invention, and, in particular, the catalyzed soot filter has been deleted from the Markush group. Dependent claims 2, 3, 13-21, 25, 30-34, and 38-40 have been amended for antecedent basis and to clarify the claims. Independent process claim 36 is amended for improved clarity.

Claims 1-3, 13-21, 25, 26-30, 31-34, and 35-40 are the pending claims.

I. The Rejection

The Office Action rejects claims 1, 13, 14, 16-21, 25, 34, and 36-39 under 35 U.S.C. §102(b) as anticipated by Schafer-Sindlinger et al. (PCT Publication No. WO 02/26379) (U.S. Publication No. 2004/0065078, to which the applicants will refer to as "Shafer"). More particularly, the rejection asserts that Shafer discloses an engine operating in a first normal mode and a second mode, citing to paragraphs 0043, 0044, and 0020. In addition, the rejection asserts that the catalysed component (1) is selected from a catalysed soot filter.

II. The Applicants' Response

With the amendments to claim 1, i.e., the deletion of the catalysed soot filter from the Markush group, the applicants submit that the Office Action rejection fails to teach each and every feature of claim 1. In particular, the applicants submit that the remaining two members of the Markush group of claim 1, now written in an "or" statement, are neither taught nor suggested by Shafer. Accordingly, the anticipation rejection using Shafer is now moot.

In addition, the applicants submit that the citation to the passages of Shafer does not teach an engine operating in a second mode, which second mode produces an exhaust gas comprising an increased level of carbon monoxide (CO) relative to the exhaust gas produced in the first mode as is required by claim 1. Nowhere in the cited passages of Shafer is there a teaching that the engine of Shafer has an operating mode specifically designed to produce an exhaust gas having an increased level of carbon monoxide as compared to the exhaust gas produced when the engine operates in a normal mode. Shafer merely teaches that its engine

has an operating mode, and a regenerating mode - which regenerating mode has an increased level of hydrocarbons (not carbon monoxide). The mention of carbon monoxide in paragraph 044 of Shafer is in the context that "the catalytically coated filter is able to convert a large proportion of the hydrocarbons and carbon monoxide emitted by the internal combustion engine into carbon dioxide and water" Nowhere in this paragraph does Shafer contemplate that the engine is operable in a mode that produces an exhaust gas having higher levels of carbon monoxide compared to an exhaust gas emitted during the engine's normal operating mode. This passage of Shafer is simply a general teaching that the carbon monoxide that is emitted from the engine is converted by the catalysed filter of Shafer. Accordingly, for this additional reason, the applicants submit that claim 1 is not anticipated because Shafer fails to teach an engine having a second mode that produces an exhaust gas having higher levels of carbon monoxide than the exhaust gas produced when the engine operates at a normal mode.

The dependent claims stand rejected under 35 U.S.C. §103 as obvious over Shafer in view of legal precedent, citing to *In re Aller*. Because the legal precedent fails to teach the shortcomings of Shafer, which shortcomings include teaching an oxidation catalyst or a NO oxidation catalyst (versus a catalysed soot filter), or an engine operable in a mode that produces enhanced CO levels, the applicants submit that these claims are neither taught nor suggested by Shafer in view of legal precedent. The obviousness rejection is respectfully requested to be withdrawn.

Independent process claim 36 and dependent claim 37 recite the same features of system claim 1. Accordingly, for the same reasons claim 1 is neither anticipated nor rendered obvious by Shafer in view of legal precedent, claims 36 and 37 are neither anticipated nor rendered obvious.

III. Conclusion

The claims have been amended for clarity. As amended, the catalysed soot filter of claim has been deleted. The Office Action rejection is now moot. In addition, Shafer does not teach or suggest an engine that operates in a mode that produces an exhaust gas having increased levels of CO when compared to the exhaust gas from the engine's normal operating mode. For this additional reason, the pending claims are not anticipated or obvious in view of the cited prior art. The applicants submit that the pending claims are in a condition for allowance and respectfully request early notification to that effect.

Respectfully submitted,



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CMB/lrb
Attachment: Abstract

Dated: November 27, 2006

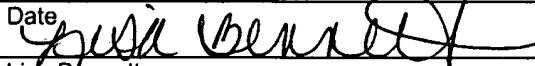
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ABSTRACT

A system including a compression ignition engine operable in a first, normal running mode and operable in a second mode to produce an exhaust gas having an increased level of carbon monoxide (CO) relative to the exhaust gas produced in the first mode. The system, when in use, can switch engine operation between the two modes, and the system includes an exhaust system. The exhaust system includes a supported palladium (Pd) catalyst associated with at least one base metal promoter and an optionally supported platinum (Pt) catalyst associated with and/or downstream of the Pd catalyst wherein CO is oxidised by the supported Pd catalyst during second mode operation.